

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

IN RE: KUGEL MESH HERNIA PATCH  
PRODUCTS LIABILITY LITIGATION

MDL Docket No. 07-1842-ML

Chief Judge Mary M. Lisi

THIS DOCUMENT RELATES ONLY TO:  
JOE LARRY HUNTER v. DAVOL,  
INC. et al., C.A. 08-2653-ML

**ORDER**

Joe Larry Hunter ("Hunter"), a *pro se* plaintiff and Kansas resident, moves for application of Rhode Island choice-of-law analysis in his suit against Davol, Inc. (the "Defendant"). Hunter originally commenced litigation against the Defendant in the District Court of Shawnee County, Topeka, Kansas. The Defendant removed the case to the United States District Court for the District of Kansas based on diversity jurisdiction. Subsequently, the Judicial Panel on Multidistrict Litigation transferred the case to the United States District Court for the District of Rhode Island as part of the multidistrict litigation ("MDL") involving the Defendant's hernia patch products. The Defendant has objected to Hunter's motion.

A review of the MDL docket reveals that Hunter's case is currently not scheduled for trial and that no motions are pending which would require a determination as to which substantive law applies in this case. Moreover, only very limited discovery has been conducted thus far. As such, Hunter's motion is premature and the Court need not engage in a choice-of-law analysis at this

time.<sup>1</sup> Therefore, and for the reasons stated in the Defendant's response (Docket # 4010) to Hunter's motion (Docket # 4002), the motion is DENIED WITHOUT PREJUDICE.

SO ORDERED.

/s/ Mary M. Lisi

Mary M. Lisi  
Chief United States District Judge

January 22, 2013

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The Defendant's response also indicates that the parties may be in agreement as to which substantive law should be applied, which may make a judicial determination unnecessary.